

12/21/01

12-28-01



11048 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

jc720 U.S. PTO  
10/028944  
12/21/01

Docket No. A-67279-5/RFT/RMS/RMK

Anticipated Classification of  
this Application:

Class: Subclass:

Prior Application SN 09/564,436

Examiner: S. COE

Art Unit: 1651

"EXPRESS MAIL" MAILING LABEL  
NUMBER EL 735049272 US

DATE OF DEPOSIT December 21, 2001  
I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
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COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

TYPED NAME DARRYL KRINER

SIGNED 

**EL735049272US**

**Box PATENT APPLICATION**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a request for filing a

- ☐ Original
- ☒ Continuation
- ☐ Divisional
- ☐ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of David A HORWITZ (Names  
of ALL Applicants), for USE OF CYTOKINES AND MITOGENS TO INHIBIT PATHOLOGICAL  
IMMUNE RESPONSES (Title of Invention). This X continuation claims  
priority to pending application Serial No. 09/564,436, filed on May  
4, 2000 which is a continuation of application Serial No. 09/186,771 filed  
on November 5, 1998.

1. (a) ☐ Enclosed is a new application.  
(b) ☐ Enclosed is a continuation-in-part application.  
(c) X Enclosed is a copy of the prior application.
2. (a) ☐ Enclosed is a new Declaration.  
(b) X Enclosed is a copy of the prior executed Declaration as  
originally filed.  
(c) ☐ Enclosed is a Combined Declaration/Power of Attorney.
3. X Applicant claims small entity status. See 37 CFR 1.27.

4.      The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

FOR:	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY RATE	FEE	OTHER THAN A SMALL ENTITY OR RATE	FEE
BASIC FEE				\$370	OR	\$740
TOTAL CLAIMS	<u>    </u> -20 = *	<u>    </u>	x 9 =	\$ <u>    </u>	OR	x 18 = \$ <u>    </u>
INDEP CLAIMS	<u>    </u> -3 = *	<u>    </u>	x 42 =	\$ <u>    </u>	OR	x 84 = \$ <u>    </u>
[ ] MULTIPLE DEPENDENT CLAIM PRESENTED			+140 =	\$ <u>    </u>	OR	+280

5. X The Commissioner is hereby **not** authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. A- /).

6.      Our check in the amount of \$              is enclosed.

7. X Cancel in this application original claims 2-23 of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

8. X Amend the specification by inserting before the first line the sentence:

--This is a X continuation of application Serial No. 09/564,436 filed May 4, 2000 which is a continuation of 09/186,771 filed on November 5, 1998.--

9. (a) X Informal drawings are enclosed, 17 sheets.  
(b)      Formal drawings are enclosed,      sheets.

10. (a) X Priority of application Serial No. 09/564,436 filed May 4, 2000 and of application Serial No. 09/186,771 filed November 5, 1998 is claimed under 35 U.S.C. 119/120.

(b)      The certified copy has been filed in prior application Serial No.              filed on             .

11.      An Assignment is enclosed.

12. X The prior application is assigned of record to University of Southern California.

13.      A Power of Attorney by Assignee is enclosed.

14.   X   The power of attorney in the prior application is to:  
Flehr Hohbach Test Albritton & Herbert LLP  
(name)  
Four Embarcadero Center, Suite 3400  
(address)  
San Francisco, California 94111


- (a)   X   The power appears in the original papers in the prior application.  
(b)        Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
(c)        Address all future communications to:

ROBIN M. SILVA

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111-4187  
Telephone: (415) 781-1989

15.        A Prior Art Statement is enclosed.

16.   X   I hereby verify that the attached papers are a true duplicate of prior application Serial No. 09/564,436 as originally filed on May 4, 2000.

Date: 12/21/01   
Renee M. Kossiak, Reg No. 41,717 for  
Robin M. Silva, Reg No. 28,304

Flehr Hohbach Test  
Albritton & Herbert LLP  
Four Embarcadero Center, Suite 3400  
San Francisco, California 94111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. A-67279-3/RFT/RMS/RMK

Anticipated Classification of this Application:

Class: \* Subclass: \*

Prior Application

Examiner: \*

Art Unit: \*

**Box PATENT APPLICATION**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a request for filing an

- ☐ Original
- ☐ Continuation
- ☐ Divisional
- ☒ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of

David A. HORWITZ  
(Names of ALL Applicants)

for USE OF CYTOKINES AND MITOGENS TO INHIBIT PATHOLOGICAL IMMUNE RESPONSES  
(Title of Invention)

This is a continuing application under 35 U.S.C. 119/120/121 of

U.S. Patent Application Serial No.	60/064,507	filed	November 5, 1997
U.S. Patent Application Serial No.	09/186,771	filed	November 5, 1998
U.S. Patent Application Serial No.	60/132,616	filed	May 5, 1999

1. (a) ☐ Enclosed is a new application.
- (b) ☒ Enclosed is a continuation-in-part application.
- (c) ☐ Enclosed is a copy of the prior application.
2. (a) ☐ Enclosed is a new Declaration.
- (b) ☐ Enclosed is a copy of the prior Declaration as originally filed.
3. (a) ☐ Enclosed is a Small Entity Affidavit.
- (b) ☐ A Small Entity Affidavit is of record in the prior application.
4. ☐ The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY RATE	FEE	OTHER THAN SMALL ENTITY RATE	FEE
<b>BASIC FEE</b>				<b>\$345</b>		<b>\$690</b>
TOTAL CLAIMS	- 20 =	*	× 9 =	\$	× 18 =	\$
INDEP CLAIMS	- 3 =	*	× 39 =	\$	× 78 =	\$
MULTIPLE DEPENDENT CLAIM PRESENTED	yes	no	+130 =	\$	+260 =	\$
If the difference in Col 1 is less than zero, enter "0" in Col. 2			<b>TOTAL</b>	<b>\$</b>	<b>TOTAL</b>	<b>\$</b>

"EXPRESS MAIL" MAILING LABEL  
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DATE OF DEPOSIT MAY 4, 2000  
I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST  
OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE  
INDICATED ABOVE AND IS ADDRESSED TO: ASSISTANT  
COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.  
TYPED NAME HAMMID SANCHEZ  
SIGNED H-S

Prior Application

5. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. \_\_\_\_\_).
6. ☐ Our check in the amount of \$\_\_\_\_\_ is enclosed.  
☒ The filing fee is NOT being submitted with this transmittal letter.
7. ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)
8. ☒ Amend the specification by inserting before the first line the sentence:

This application claims the benefit of the priority date of provisional application 60/132,616, filed May 5, 1999 (pending); which is a continuation of 09/186,771, filed November 5, 1998 (pending); which claims the benefit of the priority date of provisional application 60/064,507, all expressly incorporated by reference.

9. (a) ☐ Informal drawings are enclosed.  
(b) ☐ Formal drawings are enclosed.
10. (a) ☒ This application claims the benefit of the priority date of provisional application 60/132,616, filed May 5, 1999 (pending); which is a continuation of 09/186,771, filed November 5, 1998 (pending); which claims the benefit of the priority date of provisional application 60/064,507, all expressly incorporated by reference.

35 U.S.C. 119.

- (b) ☐ The certified copy has been filed in prior application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_.

1. ☐ The prior application is assigned of record to \_\_\_\_\_

2. ☐ The power of attorney in the prior application is to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

- (a) ☐ The power appears in the original papers in the prior application.  
(b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
(c) ☐ A new power has been executed and is enclosed.  
(d) ☐ Address all future communications to:

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (415) 781-1989  
Fax: (415) 398-3249

13. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
14. ☐ I hereby verify that the attached papers are a true duplicate of prior application Serial No. \_\_\_\_\_ as originally filed on \_\_\_\_\_.

Date: 5/4/00

Signature: Robin M. Silva  
ROBIN M. SILVA, Reg. No. 38,304

Address of Signer:

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
4 Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (415) 781-1989  
Fax: (415) 398-3249

☐ Attorney or agent of record  
☒ Filed under Section 1.34(a)